

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2859-07
BILL NO.: SCS for HS for HCS for HB 1677, 1675, and 1676
SUBJECT: Makes Various Changes to Domestic Violence Statutes
TYPE: Original
DATE: May 4, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$711,895)	Exceeds (\$941,234)	Exceeds (\$988,700)
Criminal Record Systems	\$0	(\$373,653)	(\$382,994)
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds (\$711,895)	Exceeds (\$1,314,887)	Exceeds (\$1,371,694)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Federal Funds	(\$333,100)	(\$1,302,460)	(\$982,210)
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$333,100)	(\$1,302,460)	(\$982,210)

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	Exceeds (\$200,000)	Exceeds (\$200,000)	Exceeds (\$200,000)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 12 pages.

FISCAL ANALYSIS

ASSUMPTION

Domestic Violence Changes

Officials from the **Department of Health, Department of Insurance, Office of Prosecution Services** assume that this proposal will not fiscally affect their agencies.

Officials from the **Office of State Public Defender (SPD)** assume existing staff could provide representation for those 75 to 100 cases arising where indigent persons were charged with the crime of domestic abuse more than two times on the same family. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in these cases where the penalty has been enhanced. The SPD provided representation in 6,038 assault cases in Fiscal Year 1999.

Officials from the **Office of State Courts Administrator (CTS)** stated under the current law, there were 35,608 adult abuse petitions filed in FY 99. This proposal will increase the number of cases by an unknown factor. Almost all of these cases are filed pro se, and court clerks are required to assist parties in completing forms. This has been a very labor-intensive type case, and the proposal will increase the time required and the number of cases.

While it is not possible to estimate the increased volume of cases or the average increase in time on these cases, it is most likely increased state costs for court clerk time will exceed \$100,000 per year. This is based on an 1,800 hour/FTE year, and an average salary for the clerks handling these cases being \$21,000/year or higher, plus fringes.

Oversight cannot provide an estimate of the costs for new court clerks related to this proposal. As a result, the state costs will reflect an unknown amount to exceed \$100,000 annually for additional court clerks and expense and equipment items for the new staff.

Officials from the **Office of Attorney General (AGO)** assume any additional responsibilities for the AGO could be absorbed with existing resources.

Officials from the **Jackson County Sheriff's Office** and **Kansas City Police Department** did not respond to our request for fiscal impact. Oversight will rely on the response from the St. Louis Metropolitan Police Department for local law enforcement fiscal impact.

Officials from the **St. Louis Metropolitan Police Department (STLMPD)** responded to a very

L.R. NO. 2859-07
BILL NO. SCS for HS for HCS for HB 1677, 1675, and 1676
PAGE 3 OF 12
May 4, 2000

ASSUMPTION (continued)

similar proposal from this session and stated this legislation, if enacted, will fiscally impact their agency.

The STLMPD estimated that this proposal would result in housing more detainees. The STLMPD used total jail costs plus an indirect cost rate of 42% of that total to estimate a \$122 per day cost of housing prisoners. Jail costs reported by the STLMPD included:

Salaries and Benefits	\$3,971,358
Medical maintenance	\$ 450,000
Food/supplies	\$ 46,000
Sub-total	<u>\$4,467,358</u>
42% indirect rate	<u>\$1,876,290</u>
Total Jail Costs	<u>\$6,343,649</u>

Average cost per day \$17,380 for 52,000 prisoners or \$122 per day or \$5.08 per hour.

The STLMPD averages 7,000 domestic violence detainees a year. This proposal would add 1,750 more detainees resulting in costs of \$266,860.

The STLMPD will also be fiscally impacted by a need to increase their Domestic Assault Response Team (DART). They anticipate needing 18 Police Officers and one Sargent with benefits and vehicle maintenance costs totaling \$1,859,746.

The STLMPD will also require an additional firearms examiner with costs totaling \$111,026.

The STLMPD would also require more Police Officers for new crime reporting requirements which totals \$914,424 each year.

The STLMPD reported that the total costs to their department relating to this proposal was \$3,152,056.

Oversight assumes that local governments that have jails or other detainment facilities may see an increase in costs related to an increase in persons detained in these facilities. The proposal may also require the local governments to hire additional police officers or deputy Sheriffs. Oversight cannot predict how this proposal will affect the various city police and county law enforcement agencies. Oversight assumes that these law enforcement agencies will find it necessary to hire additional personnel. Therefore, Oversight will reflect an unknown cost for local government funds for additional law enforcement personnel. These costs are expected to

ASSUMPTION (continued)

well exceed \$100,000 annually.

Officials from the **Department of Corrections (DOC)** assume the courts reported 35,608 annual petitions of adult abuse. The Public Defenders Offices reported that in 1999 they represented 6,038 assault cases. New commitments which may result from the creation of the offense(s) outlined in this proposal cannot be accurately determined. In addition, changes in penalty provisions for current crimes could result in additional costs due to new commitments and/or longer sentences. The utilization of these laws for both new offenses and enhanced penalties for current offenses depend upon actions of prosecutors and the courts.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$2.47 per offender, per day).

Due to the wide variance of crimes and punishments including newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown, but estimated to be significant, or in excess of \$100,000 per year.

Officials from the **Department of Social Services - Division of Family Services - Children's Services Section** stated this proposal would have a fiscal impact to the Department in that an additional \$250,000 would be required to bring the proposed Child Assessment Center (CAC) to the level of the CAC's currently receiving funding through the Department. The costs were charged to the General Revenue Fund.

Officials from the **Department of Public Safety (DPS)** assume the proposed legislation creates a grant program for domestic violence shelters for renovation and improvement of such shelters. The grant program would be a 75/25 state/local match. The costs to implement the legislation for administration of the grant program \$77,067, \$82,259, and \$84,870 for fiscal years 2001, 2002, and 2003, respectively. DPS did not include the costs for the actual grant awards since it would be dependent upon the amount appropriated by the General Assembly.

Oversight assumes counties that do not currently have an order or ordinance in effect to fund a domestic violence shelter could adopt such an order or ordinance and generate additional revenue.

ASSUMPTION (continued)

Uniform Crime Reporting

Officials from the **Office of Attorney General, Office of State Public Defender, Office of State Courts Administrator, Springfield Police Department,** and the **Columbia Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Public Safety (DPS) - Missouri Highway Patrol (MHP)** assume even if DPS is responsible for establishing the program, MHP will be tasked with administering it. Missouri law enforcement agencies will fully and voluntarily comply with the data collection and submission requirements. The guidance established by the FBI will be followed to become certified as a UCR-compliant state as follows: a) the Missouri UCR program will conform to the national UCR standards, definitions, and information b) MHP will establish a proven, effective, and acceptable quality assurance program c) at least 97% of the state's population will be covered in submitting law enforcement agency reports d) field staff will be necessary to conduct audits, training, and to assist contributing agencies in improving the quality of record practices and crime reporting procedures e) adequate staff will be necessary to administer the program and to maintain and improve the computer hardware and software f) MHP will provide in a timely manner those reports required by the FBI to include Missouri's input for the annual Crime In The United States report.

Prior to June 30, 2004, the program will transition from the collection of summary-based to incident-based statistics. On July 1, 2004, the state will assume full financial responsibility for maintaining the program. The computer equipment needed to initiate this program will be provided under the federal NCAP grant. The computers (450 in year 1 and 100 in year 2) would be located at various sites throughout Missouri. The computers would need to be equipped for connection to the Internet and Internet service would need to be provided at each location.

The Information Systems Division would require the following FTEs to design, develop, and maintain the application, and to ensure security:

CITS I - Network	\$40,536
CITS I - Internet Developer	\$40,536
CITS I - Application Developer	\$40,536
CITS I - Technical Support	<u>\$40,536</u>
	\$162,144

L.R. NO. 2859-07
BILL NO. SCS for HS for HCS for HB 1677, 1675, and 1676
PAGE 6 OF 12
May 4, 2000

ASSUMPTION (continued)

In Year 2, the Information System Division would require 3 additional positions:

Year 2	
CIT II (2)	\$61,944
CITS I (Network)	<u>\$40,536</u>
	\$102,480

In Year 3, the Information System Division would require 1 additional position:

Year 3	
Help Desk CIT II	\$33,559

The positions would require the standard office equipment. The positions required in the Information Systems Division would be responsible for designing, developing, and maintaining the application, and ensuring security.

The Criminal Records Division would require the following FTEs:

Trainer (9)	\$270,000 (Salary based on anticipated market value of position)
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The Trainer positions in the Criminal Records and Identification Division would be responsible for traveling to the various sites throughout Missouri and training personnel in the proper procedures for collecting and editing crime data. In addition, these positions would be responsible for reviewing crime data forwarded for statistical purposes and reviewing current collecting procedures.

Long Range Implications

Currently, establishing the UCR program is part of the federal Narcotics Control Assistance Program (NCAP) grant (75/25) match. By policy, start up programs such as this, should be eligible for grant funding for only four years. In July 2004, the state should be prepared to accept full responsibility for funding this program as a line item in the state budget. State costs are estimated at 1 million dollars annually to fully run the program when the federal grant authority ends. Estimated local cost would be \$838,000.

Officials from the **Office of Prosecution Services (OPS)** assume there will be a significant impact on local prosecutors based on the proposal's requirements regarding statistical information.

KAF :LR:OD:005 (9-94)

ASSUMPTION (continued)

In response to a similar proposal, officials from the **Office of Cole County Prosecuting Attorney** assume they recently implemented a new program in association with OPS which is solely for court disposition information. For this program, there is an annual maintenance fee for each county ranging from \$5,000 to \$15,000. This proposal would likely require another program or modifications to the existing program which could cost local prosecutors from \$100,000 to \$2,000,000 over the next three to four years.

In response to a similar proposal, officials from the **Office of Boone County Prosecuting Attorney** assume the MHP is currently privy to the MULES system which contains detailed case information entered by the investigating agency. The incident report is a public record which contains less information than that available through the MULES system. It doesn't appear likely that the MHP will require the incident report information. However, the proposal could be interpreted to require local prosecutors to submit incident information reports to the Missouri Highway Patrol. This would mean significant costs for local prosecutors in the form of increased personnel costs, postage, copies, etc.

Officials from the **Jefferson City Police Department (JCPD)** assume the FBI is moving toward National Incident Based Reporting (NIBRS). JCPD assumes the reporting referred to in the legislation is the NIBRS program. JCPD uses data entry from a transcription system for the incident reports. Because their software is written and maintained by a private firm which no longer supports NIBRS on its programs, JCPD assumes that at a minimum, a program would need to be written to interface with the current software. If entry fields are not compatible, a sizable reprogramming or vendor change would be needed. Officer training in gathering proper information would be required. Due to increased reporting fields, the complexity of NIBRS reporting requirements, supervisor time for review of reports, and quality control for acceptable submissions, based on 24-hour shifts, JCPD would require 2.0 FTE Police Information Clerks (\$44,000) and .5 FTE Field Supervisor (\$35,000) plus related expense and equipment. JCPD assumes fringe benefits and regular cost of living increases average at 5% annually.

Oversight assumes other local law enforcement agencies could have similar impacts as a result of this proposal; therefore, Oversight has shown costs to Local Governments as unknown exceeding \$100,000.

Officials from the **Office of Secretary of State (SOS)** stated this proposal implements a statewide use of the uniform crime reporting system established by the FBI. Based on experience with other divisions, the rules, regulations, and forms issued by the Department of Public Safety could require as many as 44 pages in the Code of State Regulations at a cost of \$26.50 per page, and 22 new pages in the Missouri Register at a cost of \$22.50 per page. The

ASSUMPTION (continued)

actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Testimonial Privilege

Officials from the **Office of State Courts Administrator, Department of Health, Office of Prosecution Services, and Kansas City Police Department** assume that this proposal will not fiscally affect their agencies.

Officials from the **State Public Defender** assume the proposed legislation would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND

Domestic Violence Changes

Costs - State Courts Administrator

Personal Service, Expense and Equipment for Court Clerks	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Costs - Department of Corrections

Increased Costs for Additional Prisoners or Probation Costs	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Costs - Department of Social Services -
Division of Family Services

Increased Assessment Center Costs	(\$208,250)	(\$250,000)	(\$250,000)
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L.R. NO. 2859-07
 BILL NO. SCS for HS for HCS for HB 1677, 1675, and 1676
 PAGE 9 OF 12
 May 4, 2000

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<u>Costs - Department of Public Safety</u>			
Personal Service (1 FTE)	(\$31,690)	(\$39,929)	(\$41,926)
Fringe Benefits	(\$9,745)	(\$12,278)	(\$12,892)
Expense and Equipment	<u>(\$35,362)</u>	<u>(\$30,052)</u>	<u>(\$30,052)</u>
Total Costs - DPS	<u>(\$77,067)</u>	<u>(\$82,259)</u>	<u>(\$84,870)</u>

Crime Reporting

<u>Costs - DPS - Missouri Highway Patrol</u>			
Personal Service	(\$138,500)	(\$272,832)	(\$310,626)
Fringe Benefits	(\$53,170)	(\$104,740)	(\$119,249)
Expense and Equipment	<u>(\$34,908)</u>	<u>(\$31,403)</u>	<u>(\$23,955)</u>
Total Costs - MHP	<u>(\$226,578)</u>	<u>(\$408,975)</u>	<u>(\$453,830)</u>

**ESTIMATED EFFECT
 ON GENERAL
 REVENUE FUND**

<u>Exceeds</u>	<u>Exceeds</u>	<u>Exceeds</u>
<u>(\$711,895)</u>	<u>(\$941,234)</u>	<u>(\$988,700)</u>

**CRIMINAL RECORDS SYSTEM
 FUND**

<u>Costs - DPS - Missouri Highway Patrol</u>			
Personal Service (9 FTE)		(\$270,000)	(\$276,750)
Fringe Benefits		<u>(\$103,653)</u>	<u>(\$106,244)</u>
Total Costs - MHP		<u>(\$373,653)</u>	<u>(\$382,994)</u>

**ESTIMATED NET EFFECT ON ALL
 STATE FUNDS**

<u>Exceeds</u>	<u>Exceeds</u>	<u>Exceeds</u>
<u>(\$711,895)</u>	<u>(\$1,314,887)</u>	<u>(\$1,371,694)</u>

<u>FISCAL IMPACT - Federal Funds</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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<u>Costs - DPS - Missouri Highway Patrol</u>			
Expense and Equipment	<u>(\$333,100)</u>	<u>(\$1,302,460)</u>	<u>(\$982,210)</u>

L.R. NO. 2859-07
 BILL NO. SCS for HS for HCS for HB 1677, 1675, and 1676
 PAGE 10 OF 12
 May 4, 2000

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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LOCAL GOVERNMENT FUNDS

Domestic Violence Changes

Costs - Law Enforcement Departments

Additional Personal Service and Expense and Equipment and Jail/Detention Costs	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Revenue - Domestic Violence Shelters

Domestic Violence Shelter Fees	Unknown	Unknown	Unknown
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Crime Reporting

Costs - Law Enforcement Departments

Additional Personnel and Programming Costs for Additional Reporting Requirements	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS	Exceeds <u>(\$200,000)</u>	Exceeds <u>(\$200,000)</u>	Exceeds <u>(\$200,000)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes various changes to laws relating to domestic violence, crime reporting, and testimonial privileges and detention period changes for domestic violence actors. In its main provisions, the proposal:

- (1) Requires the Department of Public Safety to adopt the uniform crime reporting system established by the Federal Bureau of Investigation (FBI), to be participated in by all state, county, and municipal law enforcement agencies. Each agency will be responsible for producing reports that contain information concerning the number and nature of offenses committed in its jurisdiction. From this information, the department is required to prepare a compilation of statistics available to state governmental bodies and the FBI upon request;

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DESCRIPTION (continued)

- (2) Establishes a confidentiality privilege for paid or unpaid workers in a domestic violence shelter covering information received while acting in his or her capacity as a shelter worker. The person providing the information may waive the privilege in writing;
- (3) Changes the domestic violence insurance law by: (a) adding definitions for "innocent coinsured," "sole," and "stalking"; and (b) allowing an innocent coinsured victim to collect on an insurance policy if the innocent coinsured signs a sworn affidavit as to the cause of loss and pledges to cooperate in the criminal prosecution of the coinsured offender causing the loss;
- (4) Expands the definition of "family" or "household member" in the adult abuse law to include adults in past or present dating relationships or engagements;
- (5) Adds to the purposes for which ex parte or full orders of protection may be granted, restraining the respondent from communicating with the petitioner through any medium;
- (6) Requires consent orders of protections to include a court finding of abuse;
- (7) Adds the medical expenses of domestic violence victims to the list of expenses courts can order offenders to pay in full orders of protection;
- (8) Expands the duty of local law enforcement to require a determination whether any criminal case is related to domestic violence and to report this information to the Highway Patrol. Current law only requires local law enforcement to determine whether homicides involving adult victims are related to domestic violence and to report this information to the Highway Patrol;
- (9) Requires all orders of protection to include the respondent's Social Security number;
- (10) Makes Federal Rules of Evidence Rule 803, the "excited utterance" hearsay exception, applicable in court proceedings involving domestic violence, even when the declarant is available as a witness;
- (11) Establishes the separate crimes of domestic assault in the first degree (a class A or B felony, depending upon the seriousness of the injury, domestic assault in the second degree, and domestic assault in the third degree;
- (14) Adds the Jefferson County Child Assessment Center to the list of child assessment centers eligible to receive funding from the Department of Social Services - Division of Family Services.

L.R. NO. 2859-07
BILL NO. SCS for HS for HCS for HB 1677, 1675, and 1676
PAGE 12 OF 12
May 4, 2000

DESCRIPTION (continued)

(15) Under current law, if effective before January 1, 2000, a county (or a city not within a county) order or ordinance may impose a \$5 fee upon the issuance of a marriage license and a \$2 surcharge upon a civil case filed in circuit court, with such funds earmarked for shelters for victims of domestic violence. The proposed legislation extends the date by which the order or ordinance must be effective to January 1, 2001.

(16) Establishes a grant program through the Department of Public Safety to provide funds for the renovation, construction, and improvement of domestic violence shelters with a 75/25 state/local match, subject to appropriation.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Insurance
Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender
Department of Corrections
Office of Attorney General
Department of Public Safety - Missouri Highway Patrol
Department of Health
Department of Social Services
Office of Secretary of State
St. Louis Metropolitan Police Department
Kansas City Police Department
Jefferson City Police Department
Springfield Police Department
Columbia Police Department
Cole County Prosecuting Attorney
Boone County Prosecuting Attorney



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Director
May 4, 2000

L.R. NO. 2859-07

BILL NO. SCS for HS for HCS for HB 1677, 1675, and 1676

PAGE 13 OF 12

May 4, 2000